

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
320 Sports, Inc.,  
Plaintiff-Respondent,

-against-

M-133X  
Index No. 651502/10

Anthony Davis,  
Defendant-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about June 30, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 10, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

Accounting by Lindsay Howard-Zita,  
Ercil Howard-Wroth and Melvin J. Zalel,  
as Executors of the Estate of Nathan S.  
Howard, Deceased.

Petitioners-Appellants-Respondents,

-against-

M-254X  
File No. 1660A-05

Gerard Penneroux,  
Objectant-Respondent-Appellant.

-----X

Appeals having been taken from orders of the Surrogate's Court, New York County, both entered on or about September 19, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 17, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Sherman-Abrams Laboratory, Inc, et al.,  
Plaintiffs-Appellants,

-against-

M-380X  
Index No. 650765/11

Herbert Abrams, M.D.,  
Defendant-Respondent.  
(And another action)

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 25, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Caterina L. Rimoli,  
Plaintiff-Respondent,

-against-

M-398X  
Index No. 310456/08

Ray Catena Corp., also known as Ray  
Catena Lexus,  
Defendants,

Toyota Motor Sales, U.S.A., Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 7, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 27, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Rise Fishbein Pierratos,  
Plaintiff-Respondent,

-against-

M-469X  
Index No. 311359/10

David Pierratos,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

Tina Quirk,  
Plaintiff-Appellant-Respondent,

-against-

M-468X  
Index No. 312153/10

Robert Quirk,  
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 19, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                   Presiding Justice,  
                  Peter Tom  
                  Angela M. Mazzairelli  
                  Richard T. Andrias  
                  David B. Saxe,                   Justices.

-----x  
The People of the State of New York,

-against-  
Wilford Callahan,

M-1681  
Docket No. 924C/09

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 26, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                 Peter Tom  
                 Angela M. Mazzairelli  
                 Richard T. Andrias  
                 David B. Saxe,                    Justices.

-----x  
The People of the State of New York,

-against-

Jaime Molina,

Defendant.

M-1683  
Docket Nos. 1009C/09  
11470C/09

-----x

Defendant having moved for leave to file a late notice of appeal from judgments of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
The People of the State of New York,

-against-

M-1684  
Docket No. 8520C/09

Gregory Marcelle,  
Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                  Peter Tom  
                  Angela M. Mazzairelli  
                  Richard T. Andrias  
                  David B. Saxe,                    Justices.

-----x  
The People of the State of New York,

-against-

M-1688  
Docket No. 1009C/09

Jaime Molina,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                                Presiding Justice,  
                                Peter Tom  
                                Angela M. Mazzairelli  
                                Richard T. Andrias  
                                David B. Saxe,                                Justices.

-----x  
The People of the State of New York,

-against-  
Eathen Moore,

M-1689  
Docket No. 17260C/08

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Peter Tom	
Angela M. Mazzairelli	
Richard T. Andrias	
David B. Saxe,	Justices.

-----x  
The People of the State of New York,

-against-

M-1699  
Docket No. 63048C/08

Gavin Herbert,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 26, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                 Peter Tom  
                 Angela M. Mazzairelli  
                 Richard T. Andrias  
                 David B. Saxe,                    Justices.

-----x  
The People of the State of New York,

-against-

M-1874  
Docket No. 17084C/09

Noemi Medina,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 13, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                  Peter Tom  
                  Angela M. Mazzarelli  
                  Richard T. Andrias  
                  David B. Saxe,                                      Justices.

-----x  
The People of the State of New York,

-against-

M-1879  
Docket No. 8766C/09

Kenroy Montague,

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 2, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_ CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
The People of the State of New York,

-against-

M-1884  
Docket No. 23968C/09

Jose Hernandez,  
  
Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 16, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-

M-1888  
Docket No. 19120C/08

Richard Lugo,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-

Amado Lugo,

M-1900  
Docket No. 51910C/08

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----x  
The People of the State of New York,

-against-

Reyson Lora,

Defendant.

M-1902  
Docket No. 7448C/08

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 31, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
   Peter Tom  
   Angela M. Mazzaelli  
   Richard T. Andrias  
   David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-

M-1909  
Docket No. 53673C/08

Jose Marcano,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 23, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
   Peter Tom  
   Angela M. Mazzarelli  
   Richard T. Andrias  
   David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-

M-1911  
Docket No. 7202C/09

Omaera Hernandez,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 25, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                  Peter Tom  
                  Angela M. Mazzaelli  
                  Richard T. Andrias  
                  David B. Saxe,                    Justices.

-----x  
The People of the State of New York,

-against-

M-1913  
Docket No. 13467C/09

Julissa Mendoza,  
  
                  Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 19, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                    Peter Tom  
                    Angela M. Mazzaelli  
                    Richard T. Andrias  
                    David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-

M-1935  
Docket No. 10571C/08

William Marrero,

Defendant.

-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 8, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                    Peter Tom  
                    Angela M. Mazzarelli  
                    Richard T. Andrias  
                    David B. Saxe,                      Justices.

-----x  
The People of the State of New York,

-against-  
  
Zulayka McKinstry,

M-1954  
Docket No. 2399C/09

Defendant.  
-----x

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 12, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                  Peter Tom  
                  Angela M. Mazzarelli  
                  Richard T. Andrias  
                  David B. Saxe,                    Justices.

-----x  
The People of the State of New York,

-against-

Julio Caballero,

Defendant.  
-----x

M-2008  
Docket No. 10141C/09

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 15, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
   Peter Tom  
   Angela M. Mazzarelli  
   Richard T. Andrias  
   David B. Saxe,                    Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-193  
Ind. No. 89/11

Jahlyl Layne,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 29, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Glenn R. Abolafia, Esq., 80 Wall Street, Suite 815, New York, New York 10005, Telephone No. 212-227-4716, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez,  
Peter Tom  
James M. Catterson  
Rosalyn H. Richter  
Nelson S. Román,

Presiding Justice,  
  
Justices.

-----X

In the Matter of the Application of Daniel Z. Rapoport and Richard Nadelman, executors of the Estate of Boris Lurie, for a determination as to the validity, construction and effect of the Last Will and Testament of

M-4338A  
Surrogate's Court  
File No. 666/08

Boris Lurie,

Deceased.

- - - - -  
American Friends of New Communities in Israel, Inc., et al.,  
Proposed-Intervenors-Appellants,

Boris Lurie Art Foundation,  
Objector-Respondent.

-----X

Appeals having been taken from the order and decree of the Surrogate's Court, New York County, entered on or about May 10, 2010, and from separate orders of the same Court and Surrogate entered on or about May 10, 2010 and August 22, 2011, respectively, and said appeal **from the order entered on or about May 10, 2010** having been perfected,

And proposed-intervenors-appellants having moved to stay any distribution by the executors of funds from the subject estate to a certain beneficiary, pending hearing and determination of the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied. The order of this Court entered on November 29, 2011 (M-4338) is hereby recalled and vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-5879A  
Ind. No. 3651/08

Vernon Sharp,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 13, 2011 (M-5643), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2010, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The order of this Court entered on February 9, 2012 (M-5879) is hereby recalled and vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X

Phillip Danishefsky and Peggy  
Danishefsky,  
Petitioners-Respondents,

**SEALED**

-against-

**M-323**

Index No. 100206/10

Roderick Covlin,  
Respondent-Appellant,

David and Carol Covlin,  
Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2011 (mot. seq. nos. 009, 010),

And respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 1, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Respondent-appellant is permitted to dispense with payment of the required fee for the subpoena

and filing of the record. Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, is assigned as counsel for purposes of prosecuting the appeal.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of a Proceeding for Support  
Under Article 4 of the Family Court Act.  
-----

Cora Lee S.,  
Petitioner-Appellant,  
  
-against-

**M-5847**  
Docket No. P33336/10

-----  
Jimmy F.,  
Respondent-Respondent.  
-----

Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Child.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about November 7, 2011, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-36**  
Ind. No. 5628/09

Tyese Funderbunk,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 26, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-109**  
Ind. No. 1562/11

Melvin Swint,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 21, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Hua Dong, et al.,  
Plaintiffs-Respondents,

-against-

M-122  
Index No. 116351/07

Horse Run Tour, Inc.,  
Defendant-Appellant,

-and-

Tony Bus Express Line Inc.  
and Liping Hou,  
Defendants-Respondents.

-----X  
(And a third-party action)  
-----X

Defendant/third party-plaintiff Horse Run Tour, Inc. having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 7, 2010 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----x  
Leah Vinik,

Plaintiff-Respondent,

-against-

Steven Lee,

Defendant-Appellant.  
-----x

M-223

M-229

Index No. 305322/11

Appeals having been taken to this Court by defendant from an order of the Supreme Court New York County, entered on or about July 27, 2011 and an order of the same Court and Justice entered on or about November 16, 2011, respectively,

And plaintiff-respondent having moved by separate motions (M-223/M-229), to dismiss the aforesaid appeals, for failure to timely prosecute,

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of dismissing the aforesaid appeals, which are sua sponte consolidated, unless perfected on or before March 19, 2012 for the June 2012 Term (M-223/M-229).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Robert Pitt Realty, LLC  
Plaintiffs-Respondents,

-against-

**M-8**  
Index No. 24648/05

Essex Insurance Company and Markel Group,  
Defendants-Appellants,

19-27 Orchard Street LLC, et al.,  
Defendants.

-----X  
19-27 Orchard Street LLC  
and 24 & 27 Orchard Street Corp.,  
Third-Party Plaintiffs-Respondents,

-against-

Essex Insurance Company,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 3, 2011,

And an order of this Court having been entered on January 3, 2012 (M-5029) enlarging defendants-appellants' time in which to perfect their appeal to the May 2012 Term,

And defendants having moved for an order enlarging their time in which to perfect the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied, as academic, said relief having been granted by the order of this Court entered on January 3, 2012 (M-5029).

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against- M-114  
Ind. Nos. 4855/02  
6149/02

Derrick Jordan,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from orders of the Supreme Court, New York County, entered on or about January 5, 2012, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
The People of the State of New York  
ex rel. Carl Fraser,  
Petitioner,

-against-

M-99  
Ind. No. 2652/10

Warden, G.M.D.C., N.Y.C. Dept. Of  
Corrections,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x

Gramercy Park Residence Corp., etc.,

Plaintiff-Appellant,

-against-

M-82

Index No. 603071/02

Elaine Ellman, etc.,

Defendant-Respondent.

-----x

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about March 2, 2011 (mot. seq. no. 005) and November 4, 2005, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Teresa Wynn, as Administratrix of the Estate of Elouise Wynn Squire, deceased, Melvin Wynn, As Administrator of the Estate of Victor Squire, Deceased, and Jane Doe, the Child formerly known as Carol May Wynn (actual name withheld), an Infant by her Mother and Legal Guardian, Joan Doe (actual name withheld),  
Plaintiffs-Appellants,

M-106  
Index No. 15276/95

-against-

Little Flower Children's Services,  
Defendant-Respondent,  
  
New York City Housing Authority,  
et al.,  
Defendants.

-----x  
Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 23, 2011,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x

Maria Silverio,

Plaintiff-Respondent,

-against-

M-158

Index No. 306762/09

Ronny M. Arvelo and ER Livery  
Service, Inc.,

Defendants-Appellants.

-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 13, 2011,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Harold Ali D.-E., and  
Rubin L.E. III,

M-2765  
Docket Nos. B8577/10  
B8578/10

Dependent Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -  
Jewish Child Care Association of New York,  
Petitioner-Respondent,

Rubin L.E., Jr.,  
Respondent-Appellant.

- - - - -  
Craig S. Marshall, Esq.,  
Attorney for Rubin L.E. III,

Eugene McGloin, Esq.,  
Attorney for Harold Ali D.E.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeals from orders of the Family Court, Bronx County, both entered on or about April 29, 2011, and for assignment of counsel, a free copy of the transcript(s), and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied, as academic, said poor person relief having been granted by the order of this Court entered on June 30, 2011 (M-2570).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-63

Ind. No. 3131/03

Jose Aguilar,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 30, 2004,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
Randolph Price, etc., et al.,

Plaintiffs-Respondents,

-against-

M-65  
Index No. 18342/00

Montefiore Medical Center,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 21, 2011,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2012 Term.

ENTER:

  
CLERK



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-5702  
Ind. No. 7360/85

-against-

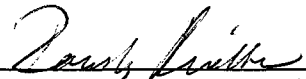
CERTIFICATE  
DENYING LEAVE

Anthony Hernandez,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 31, 2011 is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: February 9, 2012  
New York, New York

ENTERED: February 23, 2012

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-5710  
Docket No.  
2005BX032194

-against-

CERTIFICATE  
DENYING LEAVE

Jermaine Bennett,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about January 11, 2011, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: February 9, 2012  
New York, New York

ENTERED: February 23, 2012

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M - 47  
Ind. No.  
179/98

-against-

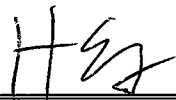
CERTIFICATE  
DENYING LEAVE

MARIA MEDINA,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about November 21, 2011 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: February 1, 2012  
New York, New York

ENTERED: February 23, 2012

PM ORDERS

ENTERED ON

FEBRUARY 21, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Tower Insurance Company of New York,  
Defendant,

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Berzak Gold, P.C.,  
Defendants-Appellants,

7 Essex Street, L.L.C., c/o Vesta  
Development Group, DeSimone  
Consulting Engineers, Jeffrey M.  
Brown Associates, Inc., and  
Big Apple Wrecking  
and Construction Corp.,  
Defendants,

-----X  
7 Essex Street Corp.,  
Plaintiffs,

-against-

11 Essex Street Corp., Sion  
Misrahi,  
Defendants,

-----X

**M-415**  
Index No. 600176/04

Index No. 110019/04

Index No. 101984/05

-----X  
 Jeffrey M. Brown Associates, Inc.,  
 Third-Party Plaintiff-Appellant,

-against-

Index No. 590172/06

Casino Development Group, Inc.,  
 Casino Development Corp.,  
 Casino Development Corp., formerly  
 known as Danna Construction Company  
 and William Charon,  
 Third-Party Defendants,

-----X

Big Apple Wrecking and Construction  
 Corp.,  
 Second Third-Party Plaintiff,

-against-

Index No. 590479/06

Safeway Environmental Corp.,  
 Second Third-Party Defendants,

-----X

Tower Insurance Company of New York  
 Third Third-Party Plaintiff,

-against-

Index No. 590879/06

Berzak Gold, P.C.,  
 Third-Third-Party Defendant-  
 Appellant,

7 Essex Street, L.L.C., c/o Vesta  
 Development Group, Jeffrey M. Brown  
 Associates, Inc., DeSimone Consulting  
 Engineers, Big Apple Wrecking and  
 Construction Corp., Casino Development  
 Group, Inc., Casino Development Corp.,  
 formerly known as Danna Construction  
 Company and William Charon,  
 Third Third-Party Defendants,

-----X

-----X  
 Casino Development Group, Inc.,  
 Casino Development Corp. and  
 William Charon,  
 Fourth Third-Party Plaintiff,

-against-

Index No. 590972/06

Danna Construction Corp., Danna  
 Equipment Corp. and Michael Danna,  
 Fourth Third-Party Defendant,

-----X  
 7 Essex Street L.L.C.,  
 Fifth Third-Party Plaintiff,

-against-

Index No. 590456/09

Franke Gottsegen, Cox Architects,  
 Fifth Third-Party Defendants.

-----X

Defendant/third third-party defendant-appellant Berzak Gold,  
 P.C. having moved for an enlargement of time in which to perfect its  
 appeal from the order of the Supreme Court, New York County, entered  
 on or about September 10, 2010,

Now, upon reading and filing the papers with respect to the  
 motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of  
 enlarging the time in which to perfect the aforesaid appeal to the  
 June 2012 Term, with no further enlargements to be granted.

ENTER:

  
 CLERK

PM ORDERS

ENTERED ON

FEBRUARY 23, 2012



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of

Will Reese, Jr.,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

**M-417**  
Index No. 401809/10

-against-

John B. Rhea, as Chairman of the  
New York City Housing Authority, and  
the New York City Housing Authority,  
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 11, 2011,

And an order of this Court having been entered on November 17, 2011 (M-417), granting petitioner-appellant a stay of proceedings in the matter captioned *NYCHA Patterson v Reese*, Index No. 803162/10 currently pending in Civil Court of the City of New York, Bronx County, on condition petitioner-appellant perfected his appeal on or before January 30, 2012 for the April 2012 Term,

And petitioner-appellant having moved for an for an order continuing the aforesaid stay of proceedings pending hearing and determination of the aforesaid appeal and enlarging the time in which to perfect said appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of continuing all previously granted relief on condition petitioner-appellant perfects his appeal on or before March 19, 2012 for the June 2012 Term of this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Masoud Micky,

Plaintiff-Respondent,

-against-

The City of New York,

Defendant-Appellant.  
-----X

**M-486**  
Index No. 28497/03

Appeals having been taken by defendant-appellant from the judgment of the Supreme Court, Bronx County, entered on or about April 13, 2011 and from the order of the same Court entered on or about December 21, 2011,

An defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about April 13, 2011,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of sua sponte consolidating the aforesaid appeals and enlarging the time in which to perfect the consolidated appeals to the June 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Quoizel, Inc.,

Plaintiff-Respondent,

-against-

Hartford Fire Insurance Company,

Defendant-Appellant.  
-----X

**M-459**  
Index No. 601321/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 14, 2011, and said appeal having been perfected,

And defendant-appellant having moved to stay trial pending hearing and determination of the aforesaid perfected appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:

  
CLERK